## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

CONVOLVE, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:08-cv-244
	§	
DELL INC.,	§	JURY TRIAL DEMANDED
WESTERN DIGITAL CORPORATION,	§	
HITACHI GLOBAL STORAGE	§	
TECHNOLOGIES, INC., and	§	
HITACHI LTD.,	§	
	§	
Defendants.	§	

## **DECLARATION OF TAMMY PENNINGTON RHODES**

- I, Tammy Pennington Rhodes, declare as follows:
- 1. I, Tammy Pennington Rhodes, am an attorney at Baker Botts L.L.P., counsel for Dell Inc. I am over twenty-one years of age. I reside in Humble, Texas.
  - 2. I have personal knowledge of the information in this Declaration.
  - 3. Attached hereto as Exhibit A is a copy of an email from Anna C. Halsey to Scott Partridge *et al.* dated February 23, 2011.
  - 4. Attached hereto as Exhibit B is a copy of an excerpt from the Rebuttal Expert Report of Dr. Val DiEuliis on behalf of Convolve served February 21, 2011.
  - 5. Attached hereto as Exhibit C is a copy of an excerpt of the 30(b)(6) Deposition Transcript of Dr. Neil Singer, dated March 22, 2011.
  - 6. Attached hereto as Exhibit D is a copy of an excerpt of U.S. Patent No. 6,314,473 to Neil Singer, *et al*.

7. Attached hereto as Exhibit E is a copy of an excerpt of the Transcript from the Markman Hearing of October 12, 2010, Case No. 2:08-cv-244, Dkt. No. 198.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 30, 2011 at Houston, Texas.

/s/ Tammy Pennington Rhodes

Tammy Pennington Rhodes Humble, Texas